

CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



PAULA T. DOW
Attorney General

KIM GUADAGNO
Lt. Governor

January 19, 2011

THOMAS R. CALCAGNI
Acting Director

By Certified and Regular Mail

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 2-4-2011
Mailing Address:
P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

Anant V. Joshi, B.V.Sc. & A.H., D.V.M.
Director, Clark Animal Hospital
1075 Westfield Avenue
Rahway, New Jersey 07065

Re: **I/M/O ANANT V. JOSHI, B.V.Sc. & A.H., D.V.M.**
Complaint Number: 08-064

Offer of Settlement in Lieu of Disciplinary Proceeding

Dear Dr. Joshi,

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (the "Board") has had an opportunity to review a complaint it received concerning the professional services you rendered to "Bella" Dobbin, then a five (5) year old Persian cat, in January 2008. Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint, filed with the Board on or about May 11, 2008, by Theresa Dobbin, as well as any and all attachments and exhibits;
2. A letter, dated July 26, 2008, from Anant V. Joshi B.V.Sc.&A.H., D.V.M., and Prabhakar Reddy Cheenepalli, D.V.M., to the Board, as well as any and all attachments and exhibits; and
3. Medical records of "Bella" Dobbin.

Upon review of all available information, the Board has found that probable cause exists to support a finding that you the Board has concluded that you violated, as well as failed to comply with the statutes governing the practice of veterinary medicine and the accompanying regulations, in violation of N.J.S.A. 45:1-21(h), in that you failed to maintain adequate medical records, contrary to N.J.A.C. 13:44-4.9, in that your records did not accurately reflect the treatment or services rendered to Bella and/or that you altered Bella's original medical records prior to submitting the patient records to the Board. Additionally, the Board has concluded that you violated, as well as failed to comply with the statutes governing the practice of veterinary medicine and the accompanying regulations, in violation of N.J.S.A. 45:1-21(h), in that you failed to maintain adequate medical records, contrary to N.J.A.C. 13:44-4.9.

The Board's review into this matter revealed that Bella was presented to Clark Animal Hospital ("Hospital") on or about January 29, 2008, for a dental cleaning and grooming. Bella was sedated for the cleaning, and when the owner returned to pick her up, the cat was lethargic. On the following day, the owner noticed that Bella's left hind leg was paralyzed. As you indicated in your July 26, 2008 letter to the Board, you advised the owner that the paralysis could have resulted from various causes and, thereafter, referred the owner to Garden State Veterinary Specialists where Bella was later examined. The owner also had Bella examined at another speciality veterinary facility for a second neuropathy opinion where she was diagnosed with a heart murmur of which you maintained Bella did not display in your previous examinations of Bella. Finally, you assert, in your July 26, 2008 letter, that such murmurs may cause clots which in turn can cause paralysis, and maintained that a complete physical exam, blood test and ECG was obtained prior to Bella's procedure and the administration of anesthesia.

The Board, following its review of the submitted materials in this matter, found that the foregoing facts demonstrate that there is insufficient evidence to initiate any formal disciplinary action against you relative to the veterinary medical care rendered to Bella. However, the Board, in its review of this complaint, had the opportunity to review the patient records you created and maintained for Bella. The Board concluded that your records did not accurately reflect the treatment or services rendered and/or that you altered and/or embellished the patient records that were submitted to it.

Specifically, the Board noted that the medical records

sent by the Hospital to Garden State Veterinary Specialists for Bella do not contain neither the results or notes of a physical examination allegedly performed on January 29, 2008, nor the results of a wellness examination allegedly performed on March 30, 2007. However, the original patient records submitted to the Board, subsequent to the date records were provided to Garden State, contain recorded results and notes of both physical and wellness examinations written into the patient record on both of the above dates, respectively. A copy of these records are attached for your convenience. The Board has concluded, based on these findings, that you violated, as well as failed to comply with the statutes governing the practice of veterinary medicine and the accompanying regulations, in violation of N.J.S.A. 45:1-21(h).

Additionally, the Board has concluded that your patient records failed to include important and required information relative to the veterinary services provided to Bella, in violation of N.J.A.C. 13:44-4.9. Specifically, the Board finds that the records did not contain: 1) all pertinent symptoms and signs observed; 2) conclusions and/or diagnosis, in that you failed to note physical or wellness exam findings on January 29, 2008 or March 30, 2007; 3) such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response; and 4) the name or initials of the treating licensee. The Board has concluded that your failure to include the requisite information listed above in your patient records constitutes a violation of N.J.A.C. 13:44-4.9(a).

At this juncture, the Board has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has decided that it will first offer you an opportunity to settle this matter, thereby avoiding the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from violating the mandates of N.J.S.A. 45:1-21(h), specifically, the patient records rule, namely N.J.A.C. 13:44-4.9(a) by maintaining records for your patients that accurately reflect the treatment or services rendered; and
3. Pay a civil penalty in the aggregate amount of **\$3,500.00;** \$2,500.00 for engaging in professional misconduct, in violation of N.J.S.A. 45:1-21(e); and \$1,000.00 for record keeping violations, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a); to be paid immediately upon your signing of the acknowledgment at the bottom of this letter.

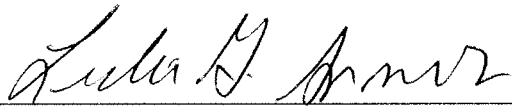
If you are willing to settle this matter on the offered

settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event that you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's Office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event that formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions, concerning this letter or the settlement offer herein, I suggest you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate disciplinary action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: 
LESLIE G. ARONSON
Executive Director

D.V.M., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of **\$3,500.00** for failing to comply with the requirements of N.J.S.A. 45:1-21(e) and (h) and N.J.A.C. 13:44-4.9. I also agree to comply with all other requirements set forth in this settlement letter.



ANANT V. JOSHI, B.V.Sc.& A.H., D.V.M.

DATED:

cc: Olga E. Bradford, Deputy Attorney General